

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MISSOURI PRIMATE FOUNDATION,)
et al.,)
Plaintiffs and)
Counterclaim Defendants,)
v.) Case No. 4:16-cv-02163
PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC., et al.,)
Defendants and)
Counterclaim Plaintiffs.)

DECLARATION OF MARTINA BERNSTEIN

Pursuant to 28 U.S.C. § 1746, I, Martina Bernstein, declare the following to be true and correct to the best of my knowledge and belief:

1. I am counsel for Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc. and Angela Scott (together, “Plaintiffs”). I make this declaration based upon my personal knowledge and upon information available to me as Plaintiffs’ counsel.
2. **Exhibit A** attached hereto is a true and correct copy of a document titled “COUNTERCLAIM PLAINTIFFS’ FIRST INTERROGATORIES TO COUNTERCLAIM DEFENDANT TONIA HADDIX” [sic] (“Responses”) served via email by Tonia Haddix (“Haddix”) on June 21, 2020.
3. The Responses were not verified.
4. At my request, a telephone conference was initiated on June 24, at 11 a.m., to confer about the deficiencies of the Responses.
5. My co-counsel, Jared Goodman, I, and Haddix participated in the conference.

6. I explained at the outset the reason and purpose for the conference under the applicable rules, and expressed the hope that the need for Court intervention could be avoided if Haddix provided additional information that was omitted from the Responses.

7. Approximately 8 minutes into the conference, after I had just completed outlining what facts were missing from the responses to the first five Interrogatories, Haddix became irate, stated “I don’t care what information PETA wants,” “I don’t want to talk to you anymore,” and “you are pissing me off,” among other things.

8. When I attempted to resume the conference, Haddix hung up.

I declare under the penalty of perjury that the foregoing is true and correct.

June 25, 2020

/s/ Martina Bernstein
Martina Bernstein

Exhibit A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MISSOURI PRIMATE FOUNDATION,)
et al.,)
)
Plaintiffs and)
Counterclaim Defendants,)
)
v.) **Case No. 4:16-cv-02163**
)
**PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC., et al.,)
)
Defendants and)
Counterclaim Plaintiffs.)****

**COUNTERCLAIM PLAINTIFFS' FIRST INTERROGATORIES TO
COUNTERCLAIM DEFENDANT TONIA HADDIX**

Pursuant to Federal Rule of Civil Procedure 33 and Local Rule 3.03, Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc. and Angela Scott (together, “Counterclaim Plaintiffs”) propound the following interrogatories to Counterclaim Defendant Tonia Haddix (“Haddix”), to be answered, and verified, in accordance with the federal and local rules and within thirty days of service hereof.

INSTRUCTIONS AND DEFINITIONS

1. “You” and “your” shall refer to Haddix and any representatives, agents, volunteers, employees, and others acting at Haddix’s direction or on Haddix’s behalf.
2. “Facility” refers to the premises of the Missouri Primate Foundation (“MPF”) located at 1230 State Road, Festus, Missouri, 63028, or any other relevant property under the custody or control of MPF.

3. The words “and” and “or” shall be construed either conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive. The word “including” shall be construed to mean without limitation.

4. The use of the singular form of any word includes the plural and vice versa.

INTERROGATORIES

Interrogatory No. 1 Identify by name and current address “the family members” and “volunteers” that you claim in paragraph 26 of your Answer “assist in the care of the chimpanzees present at Facility[.]”

RESPONSE: Redundant in nature. Same people helped out as you are of knowledge to. Penny and Byron Healzer, Kevin and Lisa Harned

Interrogatory No. 2 If you contend that “the handling and groupings of the chimpanzees” at the Facility, referenced in paragraph 62 of your Answer, has changed since December 18, 2018, identify all such changes.

RESPONSE Due to complexity and intelligence of chimps many changes of grouping occurred based on factors such as sex, personality and compatibility

Interrogatory No. 3 With respect to each alteration or change identified in response to the previous interrogatory, state when and why the alteration or change occurred.

RESPONSE: No specific reason or for a specific amount of time. Was attempting to form a large group for social reasons but due to different up bringing and male dominated issues found a balance

Interrogatory No. 4 If you contend that “the housing and enrichment” at the Facility, referenced in paragraph 75 of your Answer, has changed since December 18, 2018, identify all such changes.

RESPONSE: Again very redundant question. Groups were changed to find right balance for social emotional and intellectual stimulation. Scheduled daily enrichment done with each chimp in mind

Interrogatory No. 5 With respect to each alteration or change identified in response to the previous interrogatory, state when and why the alteration or change occurred.

RESPONSE:

Interrogatory No. 6 If you contend that the maintenance of the “enclosures” at the Facility, referenced in paragraph 106 of your Answer, has changed since December 18, 2018, identify all such changes.

RESPONSE: Due to wanting xhimps to have more enrichment new toys hammocks and other things added. Cages cleaned and spotted daily with. Continuing pairing and general maintenance being done as needed

Interrogatory No. 7 With respect to each alteration or change identified in response to the previous interrogatory, state when and why the alteration or change occurred.

RESPONSE: Ongoing changes since Jan 2018, trial and error with new ideas to improve chimps overall health and wellness

Interrogatory No. 8 With respect to your contention in paragraph 115 of your Answer that the “general conditions of the premises” differs from those alleged in paragraph 115 of the Amended Counterclaim, identify these alleged differences.

RESPONSE: Continued efforts to maintain a safe and clean environment is done daily. As well as a prep kitchen was placed at facility and cooler for food storage. Regular pest control being done

Interrogatory No. 9 With respect to each different general condition identified in response to the previous interrogatory, state when and why the condition was changed.

RESPONSE: Of coarse with these things being done chimps are happier and I'm general look good in appearance

Interrogatory No. 10 If you contend that the manner of feeding the chimpanzees at the Facility changed since December 18, 2018, identify all such changes.

RESPONSE: Again redundant question but due to added prep kitchen and coolers as well as scheduled feedings and chimp specific likes and dislikes as well as way food is handled has changed

Interrogatory No. 11 With respect to each alteration or change identified in response to the previous interrogatory, state when and why the alteration or change occurred.

RESPONSE: Chimps overall condition and health appears to be improved

Interrogatory No. 12 If you contend that since December 18, 2018, the chimpanzees at the Facility received adequate preventive veterinary care, identify all facts that support your contention, including the date(s) such care was provided and the person(s) responsible for providing such care.

RESPONSE: All chimps were seen by my vet Casey Talbot in January 2020 for general health assessment, lab work and chest X-ray with teeth exams and nail are

Interrogatory No. 13 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 1.

RESPONSE Again very redundant due to limited people involved in actual chimp care for many reasons such as health risk and safety of the chimps. But a few people could verify such improvements if they won't be harassed

Interrogatory No. 14 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 2.

RESPONSE: I will gladly supply photos as evidence if need be

Interrogatory No. 15 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 3.

RESPONSE: Again redundant question, continue to state the obvious. Same people are aware of my care and have been identified

Interrogatory No. 16 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 4.

RESPONSE: Again redundant and a waste of my efforts. But per all ready stated facts same people all ready identified can state noted changes

Interrogatory No. 17 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 5.

RESPONSE: Repeat answer

Interrogatory No. 18 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 6.

RESPONSE: Repeat answer

Interrogatory No. 19 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 6.1 [sic].

RESPONSE: Repeat answer

Interrogatory No. 20 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 8.

RESPONSE: Repeat answer

Interrogatory No. 21 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 9.

RESPONSE: Same response as above

Interrogatory No. 22 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 10.

RESPONSE: Same response as above

Interrogatory No. 23 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 11.

RESPONSE: Same response as above

Interrogatory No. 24 Identify all facts, including all documentary evidence and witnesses with knowledge, which you claim support your alleged AFFIRMATIVE DEFENSE No. 12.

RESPONSE Redundant question . Continue to state those that have knowledge of my care of the chimps is above standard per the AWA and the few people that have knowledge is been identified and remains the same

Interrogatory No. 25 Describe any efforts at the Facility since December 18, 2018 to breed any of the chimpanzees present at the Facility.

RESPONSE: No breeding efforts has occurred

Dated: June 16, 2020

Respectfully submitted,

/s/ Jared Goodman
JARED GOODMAN (#1011876DC)
PETA Foundation
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323.210.2266
Fax No: 213.484.1648
jaredg@petaf.org

MARTINA BERNSTEIN (#230505CA)
PETA Foundation
1536 16th St. NW
Washington, DC 20036
202.483.7382
Fax No: 202.540.2208
martinab@petaf.org

POLSINELLI PC
JAMES P. MARTIN (#50170)
KELLY J. MUENSTERMAN (#66968)
100 S. Fourth Street, Suite 1000
St. Louis, MO 63102
314.889.8000
Fax No: 314.231.1776
jmartin@polzinelli.com
*Attorneys for Defendants/
Counterclaim Plaintiffs*

VERIFICATION

I, _____, hereby verify under penalty of perjury under the laws of the United States of America that the foregoing answers are true and correct to the best of my knowledge, information, and belief.

Executed on _____, 2020.

Name

Title

CERTIFICATE OF SERVICE

I certify that on June 16, 2020, the foregoing interrogatories were served by electronic mail to:

Tonia Haddix, lazyjet69@yahoo.com
Appearing Pro Se

Debbie Champion, dchampion@rssclaw.com
Victor H. Essen, vessen@rssclaw.com
Attorneys for Plaintiff/Counterclaim Defendant Connie Braun Casey

Geordie Duckler, geordied@animallawpractice.com
Attorney for Plaintiff/Counterclaim Defendant Andrew Sawyer

/s/ Jared Goodman